

MEMORANDUM



Date **January 4, 2024**
To **Honorable Mayor and Members of the City Council**
Subject **2023 Annual Report for Permit and License Appeal Board**

The members of the Permit & License Appeal Board are pleased to submit to you our Annual Report of activities for 2023.

We appreciate the opportunity to serve on this very important Board and welcome an opportunity to discuss the report with each of you or collectively as a group.



Benjamin Setnick, Chair
Permit and License Appeal Board

c: T.C. Broadnax, City Manager
Biliera Johnson, City Secretary

PERMIT AND LICENSE APPEAL BOARD



CITY OF DALLAS

ANNUAL REPORT 2023

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TAB 1

MISSION STATEMENT

The Permit and License Appeal Board is committed to fulfilling its mission as a quasi-judicial body, to hear the evidence offered by any interested persons during appeal hearings of city department director's actions pertaining to the denial, suspension or revocation of a license or permit issued by the city and to make an informed decision on the basis of a preponderance of the evidence presented at the hearing and in accordance with the provisions of Chapter 2, Article IX, Sections 2-95 through 2-99 of the Dallas City Code.

TAB 2

GUIDING PRINCIPLES

- Authority:** Dallas City Code, Chapter 2, Article IX Permit and License Appeal Board (PLAB), Section 2-96
- Members:** 15 members, one board member appointed by each City Council member
- Qualifications:** No special qualifications for membership
- Officers:** Mayor appoints the chair, subject to confirmation by a majority of the City Council; full city council appoints the vice-chair
- Support Staff:** Billierae Johnson, City Secretary
 Miroslava Martinez, Assistant City Secretary
 Dawna Brown, Board and Commissions Manager
 Nancy Sanchez, Board Coordinator
 Ashley De La Rosa, Administrative Specialist
- Hearings:** PLAB shall hear appeals from denial, suspension or revocation of a license or permit issued by a city department director and filed in accordance with Section 2-96 of the Dallas City Code. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the Permit and License Appeal Board is final, and no rehearing may be granted; but the appellant may appeal to the state district court.

The following are the areas in which PLAB hears appeals of license and permit denials, suspensions, and revocations, in accordance with the provisions of the Dallas City Code:

- Aircraft & Airports..... Chapter 5
- Animals..... Chapter 7
- Boarding Home Facilities Chapter 8A
- Billiard Halls Chapter 9A
- Convenience Stores Chapter 12B
- * Dance Halls Chapter 14
- Emergency Vehicles Chapter 15D
- Food Establishments Chapter 17
- Health & Sanitation..... Chapter 19
- Massage Establishments..... Chapter 25A
- * Habitual Criminal Property Chapter 27

* Appeal Hearings for Calendar Year 2023 held only in this area.

Motor Vehicles & Traffic.....	Chapter 28
Parks & Water Reservoirs.....	Chapter 32
Regulated Property – Purchase and Sale.....	Chapter 39B
Secondary Metals Recyclers	Chapter 40B
Sexually Oriented Business	Chapter 41A
Special Events	Chapter 42A
Streets & Sidewalks	Chapter 43
Transportation for Hire	Chapter 47A
Vehicle Tow Service	Chapter 48A
Vacant Buildings & Lots.....	Chapter 48B
Vehicle Immobilization Service	Chapter 48C
Consumer Affairs	Chapter 50
Development Code	Chapter 51A
• Special Parking License	
• Gas Drilling & Production	
• Garage Sale Permits	

And any other matters delegated to PLAB by the Dallas City Council.

Attendance: PLAB member attendance is governed under the rules and procedures of Chapter 8, Section 8-20, 8-20.1 and 8-21 of the Dallas City Code (Boards and Commissions).

PLAB hearings are held on the first Thursday of each month. A member can expect to devote one day a month to board service or more as the responsibilities of the board necessitate. A final decision is usually made by the board on the same day the appeal is heard unless a continuance is granted by the board.

An annual meeting is held in January to review/approve the Annual Report required to be submitted to the City Council in accordance with Dallas City Code Chapter 8, Section 8-1.1(a).

Special Meetings: Special meetings may be held in accordance with Chapter 8.3 of the Dallas City Code.

TAB 3

STAFF SUPPORT

- CITY SECRETARY'S OFFICE
 - Bilierae Johnson, City Secretary
214-670-5654 ♦ bilierae.johnson@dallas.gov
 - Miroslava Martinez, Assistant City Secretary
214-670-3809 ♦ miroslava.martinez@dallas.gov
 - Dawna Brown, Boards and Commissions Manager
214-670-3741 ♦ dawna.brown@dallas.gov
 - Nancy Sanchez, EAC/PLAB Board Coordinator
214-671-9895 ♦ nancy.sanchez@dallas.gov
 - Ashley De La Rosa, Administrative Specialist
214-670-3055 ♦ ashley.delarosa@dallas.gov
- CITY ATTORNEY'S OFFICE
 - Matthew Sapp, Assistant City Attorney, PLAB Counsel
214-671-5029 ♦ matthew.sapp@dallas.gov

TAB 4

BOARD MEMBERS

CURRENT BOARD MEMBERS

Board Member	Position	Member as of	Current Status
Benjamin Setnick, Chair	15	10/24/19	Holdover 10/05/21
Carina Arellano	1	12/14/22	Holdover 12/14/22
Carmen Ayala	2	08/19/22	Holdover 08/17/22
Angela Willis	3	06/24/22	Reappointed 11/01/23
Vacant (12/27/19 to present)	4	—	—
Vacant (10/26/20 to present)	5	—	—
Laura Baez Torres	6	09/29/21	Reappointed 10/18/23
Johnny Jefferson	7	12/11/23	Appointed 11/01/23
Vacant (06/22/20 to present)	8	—	—
Richard Cuccia II	9	11/25/19	Reappointed 12/06/23
Stephen Jeffus	10	04/09/23	Holdover 4/05/23
John Hayes	11	10/20/21	Reappointed 9/20/23
Robert Quint	12	1/30/23	Reappointed 9/27/23
Jennifer Shinn	13	01/21/22	Reappointed 9/13/23
Efrain Vera	14	11/15/23	Appointed 11/01/23

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OTHER BOARD MEMBERS SERVING IN 2023

Board Member	Position	Original Appointment Date	Current Status
Derrick Nutall	7	12/03/19	Resigned 4/07/23
Dolores G. Wolfe	14	10/12/21	Resigned 4/26/23

TAB 5

NEW BOARD MEMBER TRAINING

JANUARY 2023 THROUGH DECEMBER 2023

The City Secretary's Office and the City Attorney's Office provided training for "5" appointed members in accordance with Chapter 2, Section 2-95.1 of the Dallas City Code which states "Every person appointed as a member of the permit and license appeal board must attend a one-day training course..."

MEMBER(S) FOR TERM 2021-2023				
NAME	POSITION	APPOINTMENT	TRAINING	OBSERVED HEARING
Carina Arellano	1	12/14/22	01/24/23	01/05/23
Stephen Jeffus	10	04/05/23	05/11/23	05/04/23
Robert Quint	12	01/25/23	02/23/23	02/16/23

MEMBER(S) FOR TERM 2023-2025				
NAME	POSITION	APPOINTMENT	TRAINING	OBSERVED HEARING
Johnny Jefferson	7	11/01/23	12/14/23	12/07/23
Efrain Vera	14	11/01/23	12/14/23	12/07/23

TAB 6

PERMIT AND LICENSE APPEAL BOARD 2023 ATTENDANCE RECORD

MEETING DATES:		1/5/2023	2/2/2023	2/16/2023	3/2/2023	4/6/2023	5/4/2023	6/1/2023	7/6/2023	7/20/2023	8/3/2023	8/17/2023	9/7/2023	9/21/2023	10/5/2023	11/2/2023	12/7/2023
		R Meeting	Hearing	S Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	S Hearing	Hearing	S Hearing	Hearing	S Hearing	Hearing	Hearing	Hearing
POS	BOARD MEMBERS																
1	Carina Arellano (as of 12/14/22)	P/OH	Cancelled	P	Cancelled	Cancelled	A	P	Cancelled	A	Cancelled	Cancelled	Cancelled	A	P	A	A
2	Carmen Ayala (as of 08/19/22)	P	Cancelled	P	Cancelled	Cancelled	P	A	Cancelled	A	Cancelled	Cancelled	Cancelled	P	A	PV	A
3	Angela Willis (as of 6/24/22)	P	Cancelled	P	Cancelled	Cancelled	P	P	Cancelled	P	Cancelled	Cancelled	Cancelled	P	P	PV	PV
4	VACANT (as of 12/27/19)	V	Cancelled	V	Cancelled	Cancelled	V	V	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	V	V
5	VACANT (as of 10/26/20)	V	Cancelled	V	Cancelled	Cancelled	V	V	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	V	V
6	Laura Baez Torres (as of 9/29/21)	P	Cancelled	P	Cancelled	Cancelled	P	P	Cancelled	P	Cancelled	Cancelled	Cancelled	P	P	PV	P
7	Johnny Jefferson (as of 12/11/23)	P	Cancelled	P	Cancelled	Cancelled	V	V	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	V	PV/OH
8	VACANT (as of 06/22/20)	V	Cancelled	V	Cancelled	Cancelled	V	V	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	V	V
9	Richard Cuccia II (as of 11/25/19)	P	Cancelled	P	Cancelled	Cancelled	P	P	Cancelled	P	Cancelled	Cancelled	Cancelled	A	P	A	P
10	Stephen Jeffus (as of 4/09/23)	V	Cancelled	V	Cancelled	Cancelled	P/OH	P	Cancelled	P	Cancelled	Cancelled	Cancelled	A	P	A	P
11	John Hayes (as of 10/20/21)	P	Cancelled	P	Cancelled	Cancelled	P	P	Cancelled	P	Cancelled	Cancelled	Cancelled	P	P	P	PV
12	Robert Quint (as of 1/30/23)	V	Cancelled	P/OH	Cancelled	Cancelled	P	P	Cancelled	P	Cancelled	Cancelled	Cancelled	P	P	A	PV
13	Jennifer Shinn (as of 1/21/22)	P	Cancelled	A	Cancelled	Cancelled	P	P	Cancelled	A	Cancelled	Cancelled	Cancelled	P	P	P	P
14	Efrain Vera (as of 11/15/23)	P	Cancelled	A	Cancelled	Cancelled	V	V	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	V	PV/OH
15	Benjamin Setnick (as of 10/24/19)	P	Cancelled	P	Cancelled	Cancelled	P	P	Cancelled	P	Cancelled	Cancelled	Cancelled	P	P	P	P

A-Absent F-Forfeit OH-Observe Hearing P-Present PV-Present Virtually R-Resigned RH-Reset Hearing V-Vacant C-Mtg Cancelled

TAB 7

ACTIVITY SUMMARY

The following is a summary of activity within the period January 2023 through December 2023. A detailed summary of all hearings is located behind **Tabs 9 and 10** of the report.

I. 17 Scheduled Hearing, Meeting and/or Training Days:

- 9 days Appeal hearings conducted
(1/05/23, 2/16/23, 5/04/23, 6/01/23, 7/20/23, *9/21/23, 10/05/23, 11/02/23, *12/07/23)
**2 hearings held 9/21/23 and 12/07/23*
- 7 days No hearings held as no appeal requests were received or scheduled hearing was cancelled
(2/02/23, 3/02/23, 4/06/23, 7/06/23, 08/03/23, 08/17/23, 09/07/23)
- 1 day Regular board meeting
(1/05/23)

II. 18 Appeal Requests Received by the City Secretary's Office and Scheduled for PLAB Hearing: (See Tab 8 for Activity Detail)

- 9 days Appeal requests considered, and judgments rendered
(1/05/23, 2/16/23, 5/04/23, 6/01/23, 7/20/23, *9/21/23**, 10/05/23, 11/02/23, *12/07/23)
**2 hearings held 9/21/23 and 12/07/23*
***5 judgments rendered on 9/21/23*
- 9 days Appeal hearing requests withdrawn

5 Appeal Requests Received but not scheduled:

- Hearing requests withdrawn/abandoned by City or Appellant prior to scheduled hearing date (*See Tab 8 for Activity Detail)

TAB 8

ACTIVITY DETAIL

I. Detail of Appeal Requests processed by the City Secretary's Office for PLAB within the period of January 2023 through December 2023.

Requests	License/Permit/ Designation	Appeal Hearing Disposition		Appeal Hearing Not Held
Appeals	Description	Denied	Granted	Withdrawn/Abandoned
5	Denial of a Dance Hall Late-Hours Permit	0	4 <ul style="list-style-type: none"> ◆ Kalua Discoteque, LLC ◆ Rodeo West Dallas ◆ Sue Ellen's ◆ Tip Top Big Dog Inc. 	1 <ul style="list-style-type: none"> ◆ Neon Cowboy
17	Habitual Criminal Property	4 <ul style="list-style-type: none"> ◆ Walia & Sons Real Estate, Inc. ◆ Lazy Acres Circle Holding, LP ◆ VBA Apartments, LLC (Phase 1) ◆ Royal Inn & Suites 	4 <ul style="list-style-type: none"> ◆ VBA Apartments, LLC (Phase 2) ◆ VBA Apartments, LLC (Phase 3) ◆ VBA Apartments, LLC (Phase 4) ◆ Mountain Creek Apartments, LP 	9 <ul style="list-style-type: none"> ◆ Days of Gold, LLC dba The Sporting Club Greenway-Good Latimer, LP ◆ Skillman Plaza ◆ Four Corners Commercial Real Estate LLC ◆ Winslow Equities Inc. ◆ Audelia Investment LLC ◆ Valley View Mall ◆ Greyhound Lines, Inc. ◆ 7-Eleven, Inc. ◆ Aum Sriram, LLC
1	Habitual Nuisance Property	1 <ul style="list-style-type: none"> ◆ Linda Crabtree 		
Total 23		5	8	10

[Continue PLAB Activity Detail on Next Page]

II. Council District Breakdown of Appeal Requests processed by the City Secretary's Office for PLAB

District	Number of Cases	Type
01	0	
02	0	
03	1	<ul style="list-style-type: none"> ● Habitual Criminal Property (Royal Inn & Suites)
04	0	
05	0	
06	3	<ul style="list-style-type: none"> ● Habitual Criminal Property (Walia & Sons Real Estate, Inc.) ● Dance Hall Late-Hours (Kalua Discoteque, LLC) ● Dance Hall Late-Hours (Rodeo West Dallas)
07	0	
08	1	<ul style="list-style-type: none"> ● Habitual Criminal Property (Mountain Creek Apartments, LP)
09	0	
10	0	
11	2	<ul style="list-style-type: none"> ● Habitual Criminal Property (Lazy Acres Circle Holding, LP) ● Habitual Criminal Property (VBA Apartments, LLC)
12	0	
13	0	
14	3	<ul style="list-style-type: none"> ● Dance Hall-Late Hours (Sue Ellen's) ● Dance Hall-Late Hours (Tip Top Big Dog Inc.) ● Habitual Nuisance Property (Linda Crabtree)
15**	0	
Total	10	

** City Wide (transportation, taxicab, etc.)

TAB 9

APPEALS HEARD BY PLAB JANUARY 2023 THROUGH DECEMBER 2023

This report is a summary of all appeal requests scheduled by the City Secretary's Office for a hearing and heard by the Permit and License Appeal Board.

1. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: January 5, 2023
Representative: Vrinda Bhuta
Business Name: Walia & Sons Real Estate Inc.
Location: 3232 Sylvan Avenue, 75212
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 6
Date Filed with CSO: October 31, 2022
Disposition: Affirm the decision of the Chief of Police
Vote: 9-0 (0 absent, 1 observing, 5 vacancies)
CSO File: 22-6580

2. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: February 16, 2023
Appellant: Saul Cardona
Representative: Roger Albright
Business Name: **Kalua Discoteque, LLC**
Location: 2435 W. Northwest Hwy., Suite 101, 75220
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 6
Date Filed with CSO: December 29, 2022
Disposition: Find for the applicant, reverse the decision of the Chief of Police
Vote: 8-0 (2 absent, 1 observing, 4 vacancies)
CSO File: 23-5251

3. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: June 1, 2023
Representative: Bryon L. Woolley
Business Name: **Landmark to Lazy Acres Circle Holding, LP**
Location: 8378 Spring Valley Road, 75240
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 11
Date Filed with CSO: March 14, 2023
Disposition: Affirm the decision of the Chief of Police
Vote: 9-0 (1 absent when vote taken, 5 vacancies)
CSO File: 23-5501

4. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: May 4, 2023
Appellant: Eduardo Ellis
Representative: Gena Cannon
Business Name: **Rodeo West Dallas**
Location: 704 S. Walton Walker Blvd., Ste. 140, 75211
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 6
Date Filed with CSO: April 6, 2023
Disposition: Find for the applicant, reverse the decision of the Chief of Police; grant a one-year exemption
Vote: 8-0 (2 absent, 1 observing, 4 vacancies)
CSO File: 23-5630

5. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: September 21, 2023
Appellant: Kartik Singapura
Business Name: **VBA Apartments, LLC**
Location: 13350 Esperanza Road (Phase 1), Dallas, TX 75240
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 11
Date Filed with CSO: June 7, 2023
Disposition: Affirm the decision of the Chief of Police
Vote: 7-0 (3 absent, 5 vacancies)
CSO File: 23-5753

6. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: September 21, 2023
Appellant: Kartik Singapura
Business Name: **VBA Apartments, LLC**
Location: 13555 Kit Lane (Phase 2), Dallas, TX 75240
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 11
Date Filed with CSO: June 7, 2023
Disposition: Find for the Applicant and reverse the decision of the Chief of Police
Vote: 6-1 (3 absent, 5 vacancies)
CSO File: 23-5753

7. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: September 21, 2023
Appellant: Kartik Singapura
Business Name: **VBA Apartments, LLC**
Location: 13353 Emily Road (Phase 3), Dallas, TX 75240
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 11
Date Filed with CSO: June 7, 2023
Disposition: Find for the Applicant and reverse the decision of the Chief of Police
Vote: 6-1 (3 absent, 5 vacancies)
CSO File: 23-5753

8. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: September 21, 2023
Appellant: Kartik Singapura
Business Name: **VBA Apartments, LLC**
Location: 13354 Emily Road (Phase 4), Dallas, TX 75240
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 11
Date Filed with CSO: June 7, 2023
Disposition: Find for the Applicant and reverse the decision of the Chief of Police
Vote: 6-1 (3 absent, 5 vacancies)
CSO File: 23-5753

9. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: July 20, 2023
Representative: Philip Kingston
Business Name: **Royal Inn & Suites**
Location: 6950 Marvin D. Love, 75237
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 3
Date Filed with CSO: June 20, 2023
Disposition: Affirm the decision of the Chief of Police
Vote: 5-2 (3 absent, 5 vacancies)
CSO File: 23-5838

10. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date: November 2, 2023
Representative: Jonathan Gitlin
Business Name: **Mountain Creek Apartments, LP**
Location: 5821 Bonnie View Road, 75241
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 8
Date Filed with CSO: June 27, 2023
Disposition: Find for the applicant, reverse the decision of the Chief of Police
Vote: 4-2 (4 absent, 5 vacancies)
CSO File: 23-6000

11. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: September 21, 2023
Appellant: Michael Nguyen
Representative: Jim Birch
Business Name: **Sue Ellen's**
Location: 3014 Throckmorton Street, 75219
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 14
Date Filed with CSO: July 18, 2023
Disposition: Find for the applicant, reverse the decision of the Chief of Police; grant a two-year exemption
Vote: 7-0 (3 absent, 5 vacancies)
CSO File: 23-6001

12. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: October 5, 2023
Appellant: Stephen Wiley
Representative: Stuart Pully
Business Name: **Tip Top Big Dog Inc.**
Location: 2204 Elm Street, 75201
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 14
Date Filed with CSO: July 17, 2023
Disposition: Find for the applicant, reverse the decision of the Chief of Police; grant an exemption
Vote: 9-0 (1 absent, 5 vacancies)
CSO File: 23-6002

13. NOTICE OF FINAL DETERMINATION AS A HABITUAL NUISANCE PROPERTY

Habitual Nuisance Property under Section 27-48 of the Dallas City Code

Hearing Date: December 7, 2023
Representative: Linda Crabtree
Business Name: **Linda Crabtree**
Location: 2114 Clements Street, 75214
Denial: Notice of Final Determination as a Habitual Nuisance Property
Issuing Department: Code Compliance
Council District: 14
Date Filed with CSO: August 11, 2023
Disposition: Affirm the decision of the Director
Vote: 8-0 (2 absent, 2 observing, 3 vacancies)
CSO File: 23-6004

TAB 10

APPEALS NOT HEARD BY PLAB JANUARY 2023 THROUGH DECEMBER 2023

This report is a summary of all appeal requests received by the City Secretary's Office for a hearing but not heard by the Permit and License Appeal Board.

1. NOTICE OF FINAL DETERMINATION AS A HABITUAL NUISANCE PROPERTY

Habitual Nuisance Property under Section 27-48 of the Dallas City Code

Representative: Melissa Miles
Business Name: **Days of Gold, LLC dba The Sporting Club Greenway-Good Latimer, LP**
Location: 615 N. Good Latimer aka 2516 Florence, 75204
Denial: Notice of Final Determination as a Habitual Nuisance Property
Issuing Department: DPD
Council District: 14
Date Filed with CSO: December 2, 2022
Scheduled Date: March 2, 2023
(Note: reset request received December 7, 2022 & January 23, 2023. March 2, 2023 was last scheduled date)
Outcome: Appeal withdrawn by City Attorney on February 21, 2023

2. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Habitual Property under Section 27-48 of the Dallas City Code

Representative: Vrinda Bhuta
Business Name: **Skillman Plaza, LLC**
Location: 9203 Skillman Street, 75243
Denial: Notice of Final Determination as a Habitual Nuisance Property
Issuing Department: DPD
Council District: 10
Date Filed with CSO: December 15, 2022
Scheduled Date: January 5, 2023
Outcome: Appeal withdrawn by Appellant on December 21, 2022

3. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: W. Ira Bowman
Business Name: **Four Corners Commercial Real Estate LLC**
Location: 9205 Skillman Street, 75243
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 10
Date Filed with CSO: December 16, 2022
Scheduled Date: February 2, 2023
(Note: reset request received December 27, 2022. February 2, 2023 was last scheduled date)
Outcome: Appeal withdrawn by Appellant on January 20, 2022

4. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: Vrinda Bhuta
Business Name: **Winslow Equities Inc.**
Location: 5607 E. R L Thornton Freeway, 75223
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 2
Date Filed with CSO: March 9, 2023
Scheduled Date: June 1, 2023
(Note: reset request received March 29, 2023 & April 19, 2023. June 1, 2023 was last scheduled date)
Outcome: Appeal withdrawn by Appellant on May 26, 2023

5. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: Favad Bajaria
Business Name: **Audelia Investment LLC**
Location: 9751/9761 Walnut Street, 75243
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 10
Date Filed with CSO: March 17, 2023
Scheduled Date: April 6, 2023
Outcome: Appeal withdrawn by Appellant on March 27, 2023

6. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: Kartik R. Singapura
Business Name: **Valley View Mall**
Location: 13131 and 13331 Preston Road, 75240
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 11
Date Filed with CSO: March 24, 2023
Scheduled Date: August 17, 2023
(Note: reset request received March 30, 2023, April 4, 2023, May 26, 2023 & June 30, 2023. August 17, 2023 was last scheduled date)
Outcome: Appeal withdrawn by Appellant on August 15, 2023

7. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: Jim Harris
Business Name: **Greyhound Lines, Inc.**
Location: 205 Lamar Street, 75202
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 14
Date Filed with CSO: April 25, 2023
Scheduled Date: August 17, 2023

(Note: reset request received June 2, 2023 & August 2, 2023. August 17, 2023 was last scheduled date)

Outcome: Appeal withdrawn by Appellant on August 14, 2023

8. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: Tate Hemingson
Business Name: **7-Eleven, Inc**
Location: 1010 Ross Avenue, 75202
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 14
Date Filed with CSO: June 20, 2023
Scheduled Date: September 7, 2023

(Note: reset request received July 13, 2023. September 7, 2023 was last scheduled date)

Outcome: Appeal withdrawn by Appellant on August 11, 2023

9. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative: Leah N. Duncan
Business Name: **Aum Sriram, LLC**
Location: 2660 Forest Lane, 75234
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 6
Date Filed with CSO: November 14, 2023
Scheduled Date: December 21, 2023
Outcome: Appeal withdrawn by Appellant on December 15, 2023

TAB 11

**ARTICLE IX.
PERMIT AND LICENSE APPEAL BOARD.**

SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED; FUNCTION; TERMS.

(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(b) The permit and license appeal board shall hear appeals of department directors' actions on licenses and permits issued by the city filed in accordance with Section 2-96 of this chapter and requests for exemptions from locational restrictions filed in accordance with Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies.

(c) Each member shall be appointed for a two- year term beginning on October 1 of each odd- numbered year. All members shall serve until their successors are appointed and qualified. (Ord. Nos. 18200; 21153; 21514; 22259; 23386; 25002; 29645)

SEC. 2-95.1. TRAINING.

(a) Every person appointed as a member of the permit and license appeal board must attend a one-day training course before hearing an appeal under Section 2-96 of this chapter or a request for an exemption from locational restrictions under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies. The training course will include, but not be limited to:

(1) an orientation session concerning the powers and duties of the permit and license appeal board and the procedures and requirements for hearing appeals and requests for exemptions from locational restrictions;

(2) instruction in the city's ordinances governing the various licenses and permits issued by the city that may be involved in appeals to the permit and license appeal board;

(3) instruction concerning locational restrictions contained in Chapters 14 and 41A of this code and the procedures and requirements for obtaining exemptions from those restrictions; and

(4) a mock hearing or an observation of an actual hearing.

(b) A person who fails to attend the one-day training course within 90 days from the date of appointment as a member of the permit and license appeal board shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 23386; 23736; 25002)

SEC. 2-96. APPEALS FROM ACTIONS OF DEPARTMENT DIRECTORS.

(a) If the director of a city department denies, suspends, or revokes a license or permit over which the director has regulatory authority, and no appeal is provided by ordinance to another city board, the action is final unless the applicant, licensee, or permittee files a written appeal to the permit and license appeal board with the city secretary within 10 calendar days after the date of receiving notice of the director's action.

(b) If a written request for an appeal hearing is filed with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(c) The permit and license appeal board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. The permit and license appeal board shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing if there is a dispute of fact, otherwise the board shall decide the appeal in accordance with the provisions of this code. The board shall affirm, reverse, or modify the action of the director by a majority vote. Failure to reach a majority decision on a motion leaves the director's decision unchanged. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the permit and license appeal board is final as to administrative remedies, and no rehearing may be granted. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-97. RESETS AND CONTINUANCES OF HEARINGS BEFORE THE PERMIT AND LICENSE APPEAL BOARD.

(a) A request for a reset or continuance of an appeal hearing or of a hearing on an exemption from a locational restriction must be granted by the city secretary if the request is received in writing by the city secretary not less than 10 days before the scheduled hearing date.

(b) The city secretary may not grant any request for a reset or continuance received less than 10 days before a scheduled hearing date, unless the city secretary, after notifying all parties to the appeal or exemption hearing of the request, determines that:

(1) exigent, compelling, or exceptional circumstances exist that:

(A) were unforeseen by and beyond the control of the person requesting the reset or continuance; and

(B) require immediate action or attention by the person requesting the reset or continuance; and

(2) no opposing party will be unreasonably damaged or inconvenienced by the reset or continuance.

(c) Notwithstanding Subsection (a) of this section, a party that has been granted one reset of a scheduled hearing may not be granted another reset of any scheduled hearing for the same appeal or request for an exemption unless the city secretary makes the determinations required by Subsection (b) of this section. (Ord. Nos. 23386; 25002)

SEC. 2-98. PUBLIC NOTICE REQUIREMENTS FOR HEARINGS ON EXEMPTIONS FROM LOCATIONAL RESTRICTIONS.

If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of \$100 must be paid to the director of development services at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of development services shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of development services to receive zoning notices for the area in which the subject of the exemption is located. The director of development services may waive the \$100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 23386; 25002; 25047; 27697; 32002)

SEC. 2-99. APPEALS TO STATE DISTRICT COURT.

Once the decision of the permit and license appeal board is final under Section 2-96 of this chapter for an appeal of a department director’s action on a license or permit or under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies, for a request for an exemption from a locational restriction, the decision may be appealed to the state district court by the city, by the applicant, licensee, or permittee, or by any other person aggrieved by the decision. An appeal to the state district court must be filed within 20 days after the date of the board’s final decision. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-100. RESERVED.